

4.10 SECTION 4(f) AND 6(f) IMPACTS

Section 6(f) of the Land and Water Conservation Fund (L&WCF) Act requires that replacement lands be provided for National Park lands or lands acquired with L&WCF funds, which are converted to highway use. Section 6(f) does not apply to lands that may be impacted by this project.

Section 4(f) of the US Department of Transportation act (49 USC 303) states that federal funds may not be approved for projects that use land from publicly-owned park, recreation area, wildlife and waterfowl refuge, or historical site unless determination is made that there is no feasible and prudent alternative to the use of land from such properties, and the action includes all possible planning to minimize harm to the property resulting from such use.

4.10.1 Publicly-Owned and Conservation Organization Lands

Publicly-owned lands located along the project corridor are discussed in Sections 3.1.3 and 4.1.1 of this document. The public lands designated as the Joel Marsh Wildlife Area and the Cattail Trail may be impacted by project alternatives carried forward for detailed study. The Federal Highway Administration (FHWA) has determined these properties are not Section 4(f) properties. The reasons why the properties are not subject to Section 4(f) are discussed below. The privately-owned Deer Lake Conservancy has property just south of Deer Lake that may be impacted by project alternatives. A discussion of why the property is not subject to Section 6(f) or Section 4(f) is below.

4.10.1.1 Joel Marsh Wildlife Area

The Joel Marsh Wildlife Area is a DNR-owned area that will be affected minimally by both the On-alignment and Northern Realignment Alternatives. For the On-alignment Alternative, the existing traffic lanes will become the east-bound lanes and two additional lanes would be constructed to the north of the existing lanes. The wildlife area may be affected by construction, but since no DNR land would be acquired, Section 4(f) does not apply. Similarly for the Northern Realignment, construction of a new bridge over the North Branch of Beaver Brook would potentially affect the downstream wildlife area. but since no DNR land would be acquired Section 4(f) does not apply. Further, even if lands were to be acquired, Section 4(f) does not apply because the land is subject to multiple uses including flood storage, a natural area, and for general hunting and fishing.

4.10.1.2 Cattail Trail

All of the US 8 “build” alternatives in the Turtle Lake area will impact the WDNR’s multi-use Cattail Trail. For each alternative, the trail intersections and associated improvements can be constructed to meet standards. Most of the crossings would be grade-separated with the exception of one at-grade intersection at County KK for Alternatives 1 and 2. Refer to Section 4.1 for additional details on construction impacts for each of the alternatives.

The Cattail Trail is on DNR-owned rail corridor. Section 4(f) does not apply to the Cattail Trail because the trail is on a Rails to Trails property, for use as a trail until such time as the land is used for rail purposes. Also, because the Cattail Trail is a multiple use facility used primarily for biking, hiking, ATV riding, snowmobiling, and riding dirt bikes, Section 4(f) does not apply.

4.10.1.3 Deer Lake Conservancy Land

The Deer Lake Conservancy is a privately owned, non-profit conservation organization serving to protect Deer Lake. The organization owns about 70 acres (28.4 ha) of land just south of existing US 8 and Deer Lake. WDNR provided the organization with a Lake Protection Grant to assist with land acquisition of the north 50 acres (20 ha). Section 6(f) does not apply to the WDNR grant funds provided. Because the property is privately owned, Section 4(f) does not apply.

4.10.2 Historic Sites

The State Historical Preservation Office (SHPO) determined that five properties identified are eligible for the National Register of Historic Places (NRHP). Refer to Sections 3.1.5 and 4.1.3 of this report for additional information about the sites that are eligible for the NRHP.

One property of the five eligible for the NRHP is directly affected by the project.

- Relocation of the Barron Carnegie Library site will be required under Barron Alternative D (Through-town). The Through-town alternative can not be revised to avoid a relocation of property eligible for the NRHP. Shifting the alignment to the south to avoid the library would only require the relocation of the Heffner's Opera Block/Anderson's Block which is also an eligible property.